

MINUTE ORDER

Alpha Kaba v. Delight Construction Corp., 08cv2594 (JBW)(MDG)

This order recapitulates the rulings made on the record at a conference on August 11, 2009 regarding defendant's motion to compel [22], plaintiff's motion for sanctions [24] and for discovery from non-party T.J. Anand [27].

1. Defendant's motion to compel is granted for the reasons discussed on the record at the conference held on April 28, 2009. Plaintiff must provide the defendant with an authorization for release of his 1099 forms for the relevant time period by 8/25/09.
2. Plaintiff's motion for sanctions is denied. Plaintiff has not demonstrated that the defendant failed to obey the Court's discovery order nor that the defendant has failed to disclose records. However, the defendant may not use any of its business records in this litigation that are responsive to plaintiff's discovery requests and have not been produced by 8/18/09. Plaintiff is given leave to continue the deposition of the defendant's bookkeeper by 8/31/09 on the issue of the discrepancy raised by plaintiff in his motion.
3. Non-party T.J. Anand must produce backup documentation for his preparation of the defendant's 1099 and/or W-2 forms for the year 2006 by 8/21/09. If Mr. Anand is unable to produce the information for 2006, he must produce that documentation for 2005. Mr. Anand may redact the social security numbers and the names of the defendant's employees other than existing clients of plaintiff's counsel, except for the first initial of the employee's first name.

SO ORDERED.

Dated: Brooklyn, New York
August 12, 2009

/s/
MARILYN D. GO
UNITED STATES MAGISTRATE JUDGE